

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

Joleen K. Youngers,
As the Personal Representative of the
Wrongful Death Estate of Roxsana Hernandez

Plaintiff,

v.

LaSalle Corrections Transport LLC,
LaSalle Corrections West LLC,
LaSalle Management Company LLC,
Global Precision Systems LLC,
TransCor America LLC,
CoreCivic, Inc., and
United States of America,

Defendants,

and

Global Precision Systems, LLC

Third-Party Plaintiff,

v.

Asset Protection and
Security Services, L.P.,

Third-Party Defendant

Case No. 20-cv-00465-WPJ-JHR

**PLAINTIFF’S APPLICATION FOR REASONABLE ATTORNEY FEES
AS AWARDED IN THE ORDER ON MOTION TO COMPEL (DOC. 325)**

Plaintiff Joleen K. Youngers (“Plaintiff”), as the Personal Representative of the Wrongful Death Estate of Roxsana Hernandez (“Roxsana”), by and through her undersigned counsel, submits this Application for Reasonable Attorney Fees As Awarded in the Order on Motion to Compel

(Doc. 325, the “Order”) related to discovery Plaintiff sought to be compelled from Defendant Global Precision Systems, LLC (“GPS” or “Defendant”), and in support of same states as follows:

1. On December 6, 2023, Plaintiff filed an Expedited Motion to Compel Discovery from Defendant GPS related to Plaintiff’s discovery requests to Defendant (Doc. 311, the “Motion”).

2. On December 27, 2023, Defendant GPS filed a Response to the Motion (Doc. 314, the “Response”).

3. On January 10, 2024, Plaintiff filed her Reply in support of the Motion and in opposition to the Response (Doc. 323, the “Reply”).

4. On January 17, 2024, the Court held a hearing regarding the Motion (Doc. 324).

5. On January 19, 2024, the Court entered the Order, which, *inter alia*, awarded reasonable attorney fees incurred by Plaintiff due to the fact that Plaintiff was necessitated to bring the Motion to obtain relevant discovery from Defendant GPS. *See* Order, p. 3.

6. The law firm of Grant & Eisenhofer, P.A. (“G&E”), including Barbara Hart, Esq., Irene Lax, Esq., and Emma Spencer (paralegal), incurred reasonable attorney fees in pursuing the relief obtained in the Order, as detailed in the annexed **Exhibit A**.

7. Ms. Hart’s usual hourly rate is \$1,375, and is a Director at her firm, G&E. Ms. Lax’s usual hourly rate is \$700 as Senior Counsel at her firm, G&E. Both Ms. Hart and Ms. Lax practice complex civil litigation related to civil rights. Both have tried cases to completion, including appellate matters. This justifies their hourly rate, which is fair for the work completed related to the Motion.

8. Ms. Spencer’s usual hourly rate is \$375, and is a Paralegal at her firm, G&E.

9. The Transgender Law Center (“TLC”), including Dale Melchert, Esq., incurred reasonable attorney fees in pursuing the relief obtained in the Order, as detailed in the annexed

Exhibit B.

10. Mr. Melchert's usual hourly rate is \$395, who is a Staff Attorney at TLC. He has experience litigating cases across the country related to transgender rights and advocacy. This justifies his hourly rate, which is fair for the work he completed related to the Motion.

11. All itemized work was reasonable and necessary to address GPS's discovery deficiencies and improper withholding of discoverable information and documents.

12. The itemized work is a conservative calculation of work done as part of the Motion to Compel and associated briefing, and there was additional work completed that is not being accounted for. The reimbursement sought here does not include any amount associated with the preparation or filing of this Motion.

13. The total attorney fees requested by Plaintiffs are \$29,225.00. \$25,275.00 is requested by G&E. \$3,950.00 is requested by TLC.

WHEREFORE, Plaintiff requests that Plaintiff's counsel be awarded reasonable attorney fees in the amount of \$29,225.00, and any additional relief that the Court deems just.

Dated: January 31, 2024

Respectfully submitted,

/s/ Barbara J. Hart
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January 2024, I filed the foregoing **PLAINTIFF'S APPLICATION FOR REASONABLE ATTORNEY FEES AS AWARDED IN THE ORDER ON MOTION TO COMPEL (DOC. 325)** electronically through the CM/ECF system, which caused the following parties to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

	<p>Gregory D. Steinman Celina Hoffman Jari Lynn Rubio MADISON, MROZ, STEINMAN, KENNY & OLEXY, P.A. Albuquerque Plaza, Suite 1600 201 3rd Street N.W. Albuquerque, NM 87102 (505) 242-2177 gds@madisonlaw.com cbacahoffman@parklawnm.com akt@madisonlaw.com Jlr@madisonlaw.com</p> <p><i>Defendant Global Precision Systems, LLC</i></p>
	<p>Adam D. Rafkin ADAM D. RAFKIN, P.C. P.O. Box 1912 Ruidoso, NM 88355 (575) 257-0129 adr@rafkinlaw.com</p> <p><i>Defendants LaSalle Corrections Transport, LLC, LaSalle Corrections West, LLC, and LaSalle Management Company, LLC</i></p>

	<p>Deborah D. Wels Debra J. Moulton KENNEDY, MOULTON & WELLS, P.C. 2201 San Pedro NE, Bldg. 3, Suite 200 Albuquerque, NM 87110 (505) 884-7887 dwells@kmwpc.com dmoulton@kmwpc.com</p> <p><i>Defendants TransCor America, LLC and CoreCivic, Inc.</i></p>
	<p>Daniel P. Struck Jacob B. Lee Anne M. Orcutt STRUCK LOVE BOJANOWSKI & ACEDO, PLC 3100 West Ray Road, Suite 300 Chandler, AZ 85226 (480) 420-1600 dstruck@strucklove.com jlee@strucklove.com aorcutt@strucklove.com</p> <p><i>Defendants TransCor America, LLC and CoreCivic, Inc.</i></p>
	<p>Robert F. Gentile Clinton E. Dow GUEBERT GENTILE & PIAZZA P.C. P.O. Box 93880 Albuquerque, NM 87199-3880 (505) 823-2300 rgentile@guebertlaw.com cdow@guebertlaw.com</p> <p><i>Third-Party Defendant Asset Protection and Security Services, L.P.</i></p>
	<p>Elizabeth M. Martinez U. S. Attorney's Office P.O. Box 607 Albuquerque, NM 87102 (505) 224-1469 elizabeth.Martinez@usdoj.Gov</p> <p><i>Defendant United States of America</i></p>

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**DECLARATION OF BARBARA J. HART, ESQ. IN SUPPORT OF PLAINTIFF'S
APPLICATION FOR REASONABLE ATTORNEY FEES AS AWARDED IN THE
ORDER ON MOTION TO COMPEL (DOC. 325)**

In support of Plaintiff's Application for Reasonable Attorney Fees as Awarded in the
Order on Motion to Compel (Doc. 325, the "Application"), related to Plaintiff's Expedited

Motion to Compel Discovery from Defendant GPS related to Plaintiff's discovery requests to Defendant GPS (Doc. 311, the "Motion"), I state as follows:

1. I am a Director at Grant & Eisenhofer PA. ("G&E") focusing my practice on civil rights litigation.

2. I am competent and authorized to testify as to the matters contained in this Declaration based upon my own personal knowledge, unless otherwise indicated.

3. My paralegal, Emma Spencer, created the billing report attached as Exhibit A to the Application. The records of time expended are billed in tenths of an hour and were kept daily by each person in the normal course of business and inputted into the computer billing system by G&E staff. Ms. Spencer and I have reviewed these records and believe them to be accurate.

4. Reflected in this Declaration are hours expended by me, former senior counsel Irene R. Lax, Esq., and paralegal Emma Spencer.

5. I earned my J.D. from Fordham University School of Law in 1992, a Masters Degree from the University of North Carolina, Chapel Hill in 1987, and my Bachelors of Arts from Vanderbilt University in 1982. I have practiced law since my admission to the Bar of the State of Connecticut in 1992 and the State of New York in 1993. I am a member and in good standing of the bars of the following jurisdictions: The United States District Court of Colorado, The United States District Court of the Eastern District of New York, The United States District Court of the Southern District of New York, The United States District Court of the Southern District of New York, The United States District Court of the Western District of New York, The 2nd Circuit, 3rd Circuit, 5th Circuit, 6th Circuit, 7th Circuit, and the United States Supreme Court. I have practiced in numerous other courts by admission *pro hac vice*.

6. I along with Ms. Lax are vigorous civil rights advocates. We have extensive experience with various types of complex civil litigation. I along with Ms. Lax handle complex civil litigation matters related to federal detention reform, sexual assault and harassment, victims of discrimination, wrongful incarceration, and Title IX litigation, among other practice areas.

7. I am the attorney primarily responsible for this litigation and as such I conducted, directed, and oversaw all of G&E's work related to this action.

8. Based on the skill required to adjudicate this matter, my experience and skill, and my time constraints, the hourly rate for my time was \$1,375, at which I billed 1.8 hours in pursuing the relief obtained in the Order.

9. Ms. Lax was formerly Senior Counsel at G&E. While at G&E, the hourly rate for Ms. Lax's time was \$700 per hour, at which she billed a total of 23.4 hours in pursuing the relief obtained in the Order.

10. Ms. Spencer is a paralegal with G&E and has 6 years of paralegal experience. Her hourly rate is \$375, at which she billed a total of 16.0 hours in pursuing the relief obtained in the Order.

11. Given the foregoing, G&E seeks a total of \$25,275.00 in attorney fees related to this matter, which represents the total combined amount of time for all G&E attorneys and paralegal that worked on this matter, as detailed herein.

12. Considering the complexity of Plaintiff's Motion, in addition to the experience of the attorneys and paralegal who assisted in this matter, I believe the requested rates are reasonable and consistent with the work required for this matter.

13. I believe the requested fees are fair, reasonable, and justified.

14. I have carefully reviewed all of the services and time expended and adjusted each entry as necessary to ensure that only reasonable fees are requested for reasonable professional legal services, performed in a reasonable amount of time.

15. I declare under penalty of perjury under the law of the state of New Mexico that to the best of my knowledge the foregoing is true and correct.

Dated: January 31, 2024

Respectfully submitted,

/s/ Barbara J. Hart
Barbara J. Hart, *Pro Hac Vice*
Grant & Eisenhofer P.A.
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